

**NEW YORK STATE TELECOMMUNICATIONS
ASSOCIATION, INC.**

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ALBANY, NEW YORK 12207
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March 8, 2002

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William F. Caton
Acting Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Chief of the Common Carrier Bureau

**Re: 911 Transition Report
CC Docket No. 92-105, WT Docket No. 01-110**

Dear Honorable Acting Secretary Caton:

Enclosed please find an Original and two copies of the 911 Transition Report filed by the New York State Telecommunications Association, Inc. (NYSTA) on behalf of the incumbent carriers operating in the affected counties in New York State and the Certifications from these carriers. Please forward this document to the Chief of the Common Carrier Bureau, as required.

Kindly date stamp and return one of the copies to NYSTA in the enclosed self-addressed stamped envelope.

If you have any questions, please contact my office.

Sincerely,

Robert R. Puckett
President

Enclosures

No. of Copies rec'd
List A B C D E

[Handwritten marks and signature]

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
Implementation of the 911 Act)	WT Docket No. 09-110
)	
The Use of N11 Codes and Other Abbreviated)	
Dialing Arrangements)	CC Docket No. 92-105

**911 TRANSITION REPORT FILED BY
THE NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.
ON BEHALF OF THE AFFECTED LOCAL EXCHANGE CARRIERS
IN NEW YORK STATE**

Robert R. Puckett, President
Louis Manuta, Esq.
New York State Telecommunications
Association, Inc.
100 State Street
Suite 650
Albany, New York 12207
518-443-2700
518-443-2810 (FAX)

March 8, 2002

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
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Implementation of the 911 Act)	WT Docket No. 00-110
)	
The Use of N11 Codes and Other Abbreviated)	
Dialing Arrangements)	CC Docket No. 92-105

**911 TRANSITION REPORT FILED BY
THE NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.
ON BEHALF OF THE AFFECTED LOCAL EXCHANGE CARRIERS
IN NEW YORK STATE**

In its *Fifth Report and Order*, *First Report and Order* and *Memorandum Opinion and Order on Reconsideration* in the above-named proceeding,¹ released on December 11, 2001, the Federal Communications Commission ("FCC" or "Commission") required local exchange carriers operating in counties identified as not providing 911 service to implement 911 emergency access by September 11, 2002 and to submit transition reports, the first one being due three months following the release of this *Order*.² The New York

¹ *In the Matter of Implementation of 911 Act and the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, WT Docket No. 00-110 and CC Docket No. 92-105, FCC 01-351 (released December 11, 2001). ("December 11, 2001 Order") An Erratum to this decision was released on December 20, 2001 which corrected section numbers for rule changes and clarified the implementation date.

² *Id.*, at page 18. See also 67 FR 1643 (January 14, 2002).

State Telecommunications Association, Inc. (“NYSTA”) files this Transition Report on behalf of the affected local exchange carriers in New York State. NYSTA maintains that all local exchange carriers in New York State already meet the *Order*’s mandates.

NYSTA is a non-profit association incorporated in 1921 whose membership includes all 40 of the incumbent local exchange carriers operating in New York State, including those carriers operating in the counties identified as not currently offering 911 service.³ From time to time, NYSTA advocates positions on behalf of our membership to seek resolution of a regulatory issue to their benefit. Due to the similarity of issues among these providers, NYSTA is filing this report on behalf of the affected carriers to meet this First Transition Report requirements.⁴

NYSTA maintains that the information which the FCC relied upon in issuing this requirement is faulty with regards to New York State. The National Emergency Number Association (“NENA”) compiled this information regarding which counties offer 911 service, as of December 4, 2001.⁵ However, all New Yorkers have had the capability of accessing emergency services by dialing 911 since 1984 (1987 in Steuben County), including residents in the counties listed by NENA as not having 911 availability:

³ Appendix D to the *December 11, 2001 Order* indicates that Hamilton, Schoharie, Seneca, and Steuben counties in New York State do not have 911 service and that Lewis County is in the process of implementing 911 service.

⁴ The local exchange carriers in New York State affected by this *Order* appear as Attachment A. Note that Verizon-New York has filed separately in this proceeding in conjunction with its activities in other states.

⁵ See: *December 11, 2001 Order* at page 41.

Hamilton, Schoharie, Seneca, and Steuben (NENA states that Lewis County is in the process of implementing 911).

The federal 911 Act⁶ defines 911 as the “universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance.”⁷ When it enacted its own Universal Emergency Telephone Number rules as a result of the *December 11, 2001 Order*, the FCC defined “911 call” as “any call initiated by an end user by dialing 911 for the purpose of accessing an emergency service provider.”⁸ The Commission went on to define “appropriate local emergency authority” as “[a]n emergency answering point that has not been officially designated as a Public Safety Answering Point (PSAP), but has the capability of receiving 911 calls and either dispatching emergency services personnel or, if necessary, relaying the call to another emergency service provider.”⁹

While the vast majority of New York State’s 62 counties have implemented Enhanced 911 service (E-911) and four expect to implement E-911 over the next year or

⁶ *Wireless Communications and Public Safety Act of 1999*, Pub. L. No. 106-81, enacted October 26, 1999, 113 Stat. 1286, amending the Communications Act of 1934, §§ 222, 251.

⁷ 47 USC § 251(e)(3).

⁸ 47 CFR § 64.3000(a).

⁹ 47 CFR § 64.3000(b).

two, every county in the state already meets these basic definitions of 911 access.¹⁰ Every resident in all counties of New York State can, at the very least, pick up a telephone, dial 911, and have the call routed to an emergency assistance provider.

On April 11, 1984, the New York State Public Service Commission (“PSC”) issued an *Order* regarding Enhanced 911 availability.¹¹ As part of this *Order*, the decision defines 911 service as a requirement for “all telephone companies to offer 911 service to emergency report centers and to arrange their facilities so that a call to 911 will reach an operator at an emergency report center or a telephone company assistance operator where emergency report centers do not exist.”¹² This definition of 911 access in New York State dates back to a 1973 PSC directive and has not changed.¹³

On August 20, 1984, the PSC issued a subsequent decision regarding 911 availability and held that “[a]ll telephone companies in this state have complied with the

¹⁰ For example, Essex County is slated to have E-911 capabilities by Summer 2003, Lewis County by Fall 2002, Schoharie County by the end of March 2002, and Steuben County by Fall 2002. As for the other counties on NENA’s list, Seneca County became E-911 capable in January 2002, while Hamilton County has no specific E-911 implementation date. All counties have had 911 accessibility since 1984 (1987 for Steuben County).

¹¹ *Opinion and Order Concerning Terms for E911 Service*, Case 28358, Opinion No. 84-7 (Issued April 11, 1984).

¹² *Id.*, at page 3.

¹³ *Statement of Policy on Provision of Universal Telephone Number “911,”* 13 NY PSC 19-R (1973).

1973 directive”¹⁴ Accordingly, all incumbent local exchange carriers in New York State have been providing access to emergency services via 911 dialing for the past 18 years (with the exception of Addison Home Telephone Co., now Armstrong Telephone Co., which was granted an extension and has been providing this access for the past 14 years.).

Accordingly, for the past 18 years (14 years in Steuben County), the ability to dial 911 and reach emergency assistance has been available in all of New York State’s counties. This method of emergency access, through 911, comports with definitions of universal emergency access in federal law, FCC Rules, and PSC regulations.¹⁵

As a result, NYSTA submits this Transition Report on behalf of its affected local exchange carrier members listed in Attachment A which operate in the counties identified by NENA. Contrary to the information supplied to the FCC by NENA, all of these carriers are already in compliance with the *December 11, 2001 Order*.

¹⁴ *Request of Addison Home Telephone Company for Relief from the Order Regarding Provision of “911” Service*, Case 26443 (Issued August 20, 1984). In this decision, Addison (now part of Armstrong Telephone Co.), located in Steuben County, was granted an extension until July 31, 1987 to comply with the 911 requirement. Thus, customers in Addison have been able to access 911 for the past 14 years.

¹⁵ In addition, the permissibility to directly or indirectly access an emergency answering point by dialing 911 is reflected in the New York State County Law. Specifically, § 301(6) defines “public service answering point” as “a communications facility which first receives 911 calls from persons within a 911 service area and which may, as appropriate, directly dispatch the services of a public safety agency or extend, transfer, relay or otherwise route 911 calls to the appropriate public safety agency.” (N.Y. County Law § 301(6)).

Therefore, the required Certifications of these carriers, which are included as Attachment B, indicate full compliance with the 911 mandates.¹⁶ Accordingly, a second Transition Report need not be filed.¹⁷

If you have any questions regarding this filing, please contact me at 518-443-2700.

Respectfully submitted,

**NEW YORK STATE TELECOMMUNICATIONS
ASSOCIATION, INC.**



Robert R. Puckett
President



Louis Manuta, Esq.

100 State Street
Suite 650
Albany, New York 12207
518-443-2700
518-443-2810 (FAX)

Dated: March 8, 2002

¹⁶ *Public Notice*, CC Docket No. 92-105 and WT Docket No. 00-110 (Released March 1, 2002) at page 2.

¹⁷ *Id.*

Attachment A

Carriers in New York State Operating in Identified Counties * (All Provide Access to Emergency Services Via 911 Dialing)

Hamilton County

Citizens Telecommunications Co. of New York

Juliana Janson
State Regulatory Director
180 South Clinton Avenue
Rochester, NY 14646
716-777-5054

Trumansburg Telephone Company

William Griswold
President
P.O. Box 712
1 Union Street
Trumansburg, NY 14886
607-387-5050

Newport Telephone Company, Inc.

Harley Ruppert
President
Bridge Street
Newport, NY 13416
315-845-8112

Steuben County

Armstrong Telephone Company

James Mitchell
President
One Armstrong Place
Butler, PA 16001
724-283-0925

Lewis County

Citizens Telecommunications Co. of New York

Juliana Janson
State Regulatory Director
180 South Clinton Avenue
Rochester, NY 14646
716-777-5054

Citizens Telecommunications Co. of New York

Juliana Janson
State Regulatory Director
180 South Clinton Avenue
Rochester, NY 14646
716-777-5054

Schoharie County

Middleburgh Telephone Company

Christopher Becker
Vice President -- Operations
P.O. Box 191
Middleburgh, NY 12122
518-827-5211

Empire Telephone Corp.

Brian Wagner
Executive Vice President
34 Main Street
Prattsburg, NY 14873
607-522-3712

Seneca County

Empire Telephone Corp.

Brian Wagner
Executive Vice President
34 Main Street
Prattsburg, NY 14873
607-522-3712

Citizens Telecommunications Co. of New York

Juliana Janson
State Regulatory Director
180 South Clinton Avenue
Rochester, NY 14646
716-777-5054

* Verizon-New York is filing separately in conjunction with its activities in other states.

ATTACHMENT B

**CERTIFICATIONS BY INCUMBENT CARRIERS
OPERATING IN IDENTIFIED COUNTIES**

CERTIFICATION

I, R. James Matyas, the Vice-President of Operations of the
(your name) (your title)

Armstrong Telephone Company – NY, am an authorized representative of the telephone
(name of telephone company)

company ("entity"). The entity is located at 136 E. Front Street, Addison, New York.
(complete street address, city, state)

I hereby certify that Armstrong Telephone Company – NY, has completed the
(name of telephone company)

necessary technical and routing elements to provide 911 access for all residents in the telephone company's certificated serving territory, as required by the FCC. The availability of such 911 access was confirmed by the New York State Public Service Commission's August 20, 1984 Order in Case 26443.

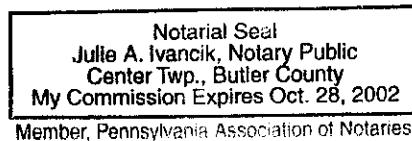
Ramu Matyas
(signature)

March 7, 2002
(date)

State of Pennsylvania)
County of Butler) ss.:
)

On the 7th day of March in the year 2002, before me personally appeared R. James Matyas, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this instrument, and acknowledged to me that he/she executed the same such that his/her signature on this instrument executed the instrument on behalf of the entity.

Julie A. Francis
Notary Public – State of Pennsylvania



March 7, 2002
(date)

CERTIFICATION

I, Ruth A. Robbins, the Secretary/Treasurer of the
(your name) (your title)
Empire Telephone Corporation, am an authorized representative of the telephone
(name of telephone company)
company ("entity"). The entity is located at 34 Main Street, Prattsburgh, NY 14873
(complete street address, city, state)

I hereby certify that Empire Telephone Corporation has completed the
(name of telephone company)
necessary technical and routing elements to provide 911 access for all residents in the
telephone company's certificated serving territory, as required by the FCC. The
availability of such 911 access was confirmed by the New York State Public Service
Commission's August 20, 1984 Order in Case 26443.

Ruth A. Robbins
(signature)

March 7, 2002
(date)

State of New York)
) ss.:
County of Steuben)

On the 7th day of March in the year 2002, before me personally appeared
Ruth A. Robbins, known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to this instrument,
and acknowledged to me that he/she executed the same such that his/her signature on this
instrument executed the instrument on behalf of the entity.

Audrey B. Sherwood
Notary Public -- State of New York

AUDREY B. SHERWOOD
Notary Public, State of New York
Qual. in Steuben Co., No. 01SH4703172
My Commission Expires March 30, 20 03

March 7, 2002
(date)

CERTIFICATION

I, Juliana Janson, the State Regulatory Director of Frontier Telephone of Rochester, Inc., Frontier Communications of Seneca Gorham Inc., Frontier Communications of Sylvan Lake, Inc., Frontier Communications of Ausable Valley, Inc., Frontier Communications of New York, Inc., Citizens Telecommunications Company of New York, Inc., and Ogden Telephone Company, am an authorized representative of these telephone companies ("entity"). The entity is located at 180 South Clinton Avenue, Rochester, New York 14646.

I hereby certify that the companies noted above have completed the necessary technical and routing elements to provide 911 access for all residents in the telephone company's certificated serving territory, as required by the FCC. The availability of such 911 access was confirmed by the New York State Public Service Commission's August 20, 1984 Order in Case 26443.

Juliana C. Janson
(signature)
March 7, 2002
(date)

State of New York)
County of Monroe) ss.:

On the 7th day of March in the year 2002, before me personally appeared Juliana C. Janson known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this instrument, and acknowledged to me that he/she executed the same such that his/her signature on this instrument executed the instrument on behalf of the entity.

Holly M. James
Notary Public -- State of New York

HOLLY M. JAMES
Notary Public, State of New York
Qualified in Monroe County
My Commission Expires Nov. 30, 2002
(date)

CERTIFICATION

I, Randall F. Becker, the President of the
(your name) (your title)
The Middleburgh Telephone Company, am an authorized representative of the telephone
(name of telephone company)
company ("entity"). The entity is located at 14 Cliff St., Middleburgh, NY 12122.
(complete street address, city, state)

I hereby certify that The Middleburgh Telephone Co. has completed the
(name of telephone company)
necessary technical and routing elements to provide 911 access for all residents in the
telephone company's certificated serving territory, as required by the FCC. The
availability of such 911 access was confirmed by the New York State Public Service
Commission's August 20, 1984 Order in Case 26443.

Randall F. Becker
(signature)

March 8, 2002

(date)

State of New York)
) ss.:
County of Schoharie)

On the 8th day of March in the year 2002, before me personally appeared
Randall F. Becker, known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to this instrument,
and acknowledged to me that he/~~she~~ executed the same such that his/~~her~~ signature on this
instrument executed the instrument on behalf of the entity.

Joyce A. McCarthy
Notary Public -- State of New York
JOYCE A. MCCARTHY
Notary Public, State of New York
Qualified in Schoharie County
No. 4753815
Commission Expires March 30, 2003
(date)

CERTIFICATION

I, Harley M. Ruppert, the President of the
(your name) (your title)
Newport Telephone Company, am an authorized representative of the telephone
(name of telephone company)
company ("entity"). The entity is located at Bridge Street, Newport, NY 13416.
(complete street address, city, state)

I hereby certify that Newport Telephone Company has completed the
(name of telephone company)
necessary technical and routing elements to provide 911 access for all residents in the
telephone company's certificated serving territory, as required by the FCC. The
availability of such 911 access was confirmed by the New York State Public Service
Commission's August 20, 1984 Order in Case 26443.

Harley M. Ruppert
(signature)

3/6/02
(date)

State of New York)
) ss.:
County of HERKIMER)

On the 6th day of March in the year 2002, before me personally appeared
Harley M. Ruppert, known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to this instrument,
and acknowledged to me that he/she executed the same such that his/her signature on this
instrument executed the instrument on behalf of the entity.

Jill A. Gilbert
Notary Public -- State of New York

JILL A. GILBERT
Notary Public, State of New York
Appointed in Herkimer County
My Commission Expires 7-05-2002 3/6/02
(date)

CERTIFICATION

I, William W. Griswold, the President of the
(your name) (your title)

Trumansburg Telephone Co. Inc. am an authorized representative of the telephone
(name of telephone company)

company ("entity"). The entity is located at 1 Union St. Trumansburg NY 14886
(complete street address, city, state)

I hereby certify that Trumansburg Telephone Co. Inc. has completed the
(name of telephone company)

necessary technical and routing elements to provide 911 access for all residents in the
telephone company's certificated serving territory, as required by the FCC. The
availability of such 911 access was confirmed by the New York State Public Service
Commission's August 20, 1984 Order in Case 26443.

[Signature]
(signature)

3/6/02
(date)

State of New York)
) ss.:
County of ONTARIO)

On the 6th day of MARCH in the year 2002, before me personally appeared
WILLIAM GRISWOLD, known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to this instrument,
and acknowledged to me that he/she executed the same such that his/her signature on this
instrument executed the instrument on behalf of the entity.

Diane Williams
Notary Public, State of New York
No. 4988780
Qualified in Ontario County
Commission Expires November 18, 2005

Diane Williams
Notary Public -- State of New York

3-6-02
(date)